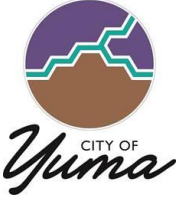


**Notice of Public Hearing of the  
Hearing Officer of The City of Yuma**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Hearing Officer of the City of Yuma and to the general public that the Hearing Officer will hold a hearing open to the public on April 13, 2023 at 9:30 a.m. in City Council Chambers, One City Plaza, Yuma, AZ.

The Agenda for the hearing is as follows:

	<b>Agenda</b> <b>Hearing Officer Public Hearing</b> City Hall Council Chambers One City Plaza  <b>Thursday, April 13, 2023 9:30 a.m.</b>
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Public comment regarding any **agenda** item can be provided in written format to the Hearing Officer Secretary at email address [planning@yumaaz.gov](mailto:planning@yumaaz.gov) no later than 15 minutes prior to the start of the scheduled meeting. Comments received timely will be read into the record when the referenced agenda item is discussed.

**CALL TO ORDER**

**CONSENT CALENDAR** – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Hearing Officer or a member of the audience wishes to speak about an item.

**APPROVAL OF MINUTES**

- March 9, 2023

**WITHDRAWALS BY APPLICANT**

1. **VAR-40954-2023:** This is a request by John McCabe for a variance to reduce the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District. The property is located at 1620 E. 26<sup>th</sup> Place, Yuma, AZ.

**APPLICATIONS TO BE CONSIDERED**

1. **VAR-41142-2023:** This is a request by Dahl, Robins, and Associates, Inc., on behalf of LQ Investments Portfolio Three, LLC, for variances to: reduce the required parking spaces by 9.6%, and to reduce the required loading spaces by 50%; and to reduce the required setback from fifteen feet to zero feet for the parking and drives aisles along Pacific Avenue, for a new hotel in the General Commercial (B-2) District. The vacant property is located at the southwest corner of E. 18<sup>th</sup> Street and S. Pacific Avenue, Yuma, AZ.

**ADJOURN**

A copy of the agenda for this meeting may be obtained at the office of the City Clerk at City Hall, One City Plaza, Yuma, Arizona, 85364, during business hours, Monday through Friday, 8:00 A.M. to 5:00 P.M. In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, PO Box 13012, Yuma, AZ 85366-3012; (928) 373-5125 or TTY (928) 373

**Hearing Officer Meeting Minutes  
March 9, 2023**

A meeting of the City of Yuma Hearing Officer was held on Thursday, March 9, 2023, at City Hall Council Chambers, One City Plaza, Yuma, Arizona.

**HEARING OFFICER** in attendance was Araceli Rodriguez.

**CITY OF YUMA STAFF MEMBERS** present included Alyssa Linville, Director of Planning and Neighborhood Services; Emily Hart, Assistant City Attorney; Zenia Fiveash, Assistant Planner and Alejandro Marquez, Administrative Specialist.

**Hearing Officer Araceli Rodriguez** called the meeting to order at 9:30 a.m.

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**CONSENT CALENDAR**

**Hearing Officer Araceli Rodriguez** approved the minutes of February 9, 2023.

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**PUBLIC HEARINGS**

**VAR-40954-2023:** *This is a request by John McCabe for a variance to reduce the front yard setback from 20 feet to zero feet to allow the required parking to be located in the front yard setback in the Low Density Residential (R-1-6) District. The property is located at 1620 E. 26<sup>th</sup> Place, Yuma, AZ.*

**Zenia Fiveash, Assistant Planner**, summarized the staff report and recommended **DENIAL**.

**QUESTIONS FOR STAFF**

**Hearing Officer Rodriguez** referred to the picture on Attachment D, then asked if the new addition would reach the existing driveway. **Fiveash** replied yes. **Rodriguez** then asked if the driveway was part of the addition. **Fiveash** answered no, that the request was to relocate the required parking from the garage to within the front yard setback.

**Alyssa Linville, Director of Planning and Neighborhood Services**, clarified that the Yuma City Code states that required parking must be located outside of the front yard setback. **Linville** went on to say that the applicant started converting the garage into livable space without building permits, and that the applicant is requesting to allow parking in the front yard setback.

**APPLICANT/APPLICANTS REPRESENTATIVE**

**John McCabe, 1620 E. 26<sup>th</sup> Place, Yuma AZ**, stated the reason for the addition was because of his health and the overall aesthetics of the property.

**Hearing Officer Rodriguez** asked the applicant if they were aware that the Yuma City Code requires that each home has a designated parking area, and that the applicant had removed the required parking by enclosing the garage. **McCabe** replied the he was not aware of the parking requirements. **Rodriguez** clarified that the applicant is required to provide one parking space located outside of the front yard setback. **McCabe** asked if the side of the home could be used as a parking area. **Rodriguez** asked that the applicant consult with staff to verify if the side of the home could be allowed for the required parking.

**Linville** stated that the side yard could be used as a parking space if the area on the side of the home was at least 10 feet wide, if not staff could approve the use of an area off of the alley, in the rear of the home as the required parking.

**Rodriguez** asked if the variance was approved could there be a condition added to allow the parking requirement to be located in a different area of the property. **Linville** stated if the variance was approved it would allow the required parking to be located in the front yard setback.

**Emily Hart, Assistant City Attorney** stated that the case could be continued to a different hearing date to allow for remaining issues to be discussed and resolved.

#### **OPEN PUBLIC COMMENT**

None

#### **DECISION**

**Hearing Officer Araceli Rodriguez** continued the case to allow for remaining issues to be discussed and resolved.

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**VAR-41002-2023:** *This is a request by JB Infrastructure, on behalf of Immanuel Southern Baptist Church, for a variance to increase the maximum height from 40 feet to 65 feet for a personal wireless communications facility disguised as a palm tree (monopalm) in the Low Density Residential/Infill Overlay (R-1-6/IO) District. The property is located at 1000 E. 24th Street, Yuma, AZ.*

**Alyssa Linville, Director of Planning and Neighborhood Services**, summarized the staff report and recommended **APPROVAL**.

#### **QUESTIONS FOR STAFF**

**Hearing Officer Rodriguez** asked for clarification on the new placement of the monopalm. **Linville** stated that the monopalm was going to be moved closer to 24th street.

#### **APPLICANT/APPLICANTS REPRESENTATIVE**

**William Daily, on behalf of J5 Infrastructure and AT&T**, was present and available for questions.

#### **OPEN PUBLIC COMMENT**

None

#### **DECISION**

**Hearing Officer Araceli Rodriguez** granted the variance, subject to the Conditions of Approval in Attachment A, finding that the four criteria of Yuma City Code §154-03.04(D)(1) had been met.

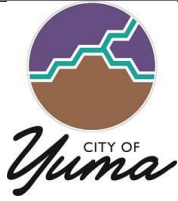
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**Hearing Officer Araceli Rodriguez** adjourned the meeting at 9:52 a.m.

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Minutes approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Hearing Officer



**STAFF REPORT TO THE HEARING OFFICER  
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES  
COMMUNITY PLANNING DIVISION  
CASE TYPE – VARIANCE  
Case Planner: Bob Blevins**

**Hearing Date:**

APRIL 13, 2023

**Case Number:**

VAR-41142-2023

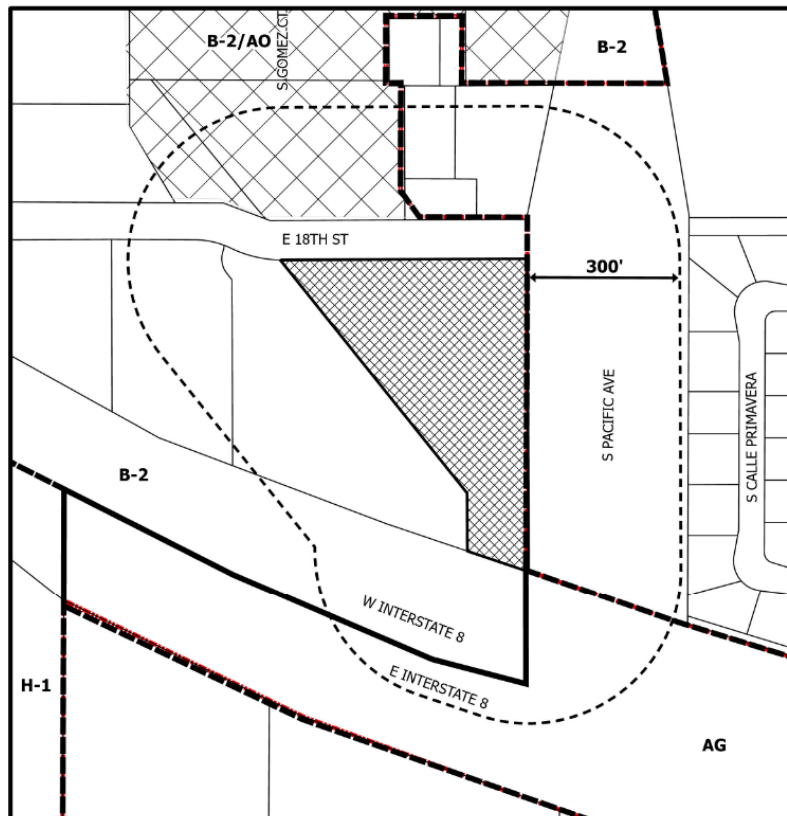
**Project**

**Description/Location:**

This is a request by Dahl, Robins, and Associates, Inc., on behalf of LQ Investments Portfolio Three, LLC, for variances to: reduce the required parking spaces by 9.6%; to reduce the required loading spaces by 50%; and to reduce the required setback from fifteen feet to zero feet for the parking and drive aisles along Pacific Avenue, for a new hotel in the General Commercial (B-2) District. The vacant property is located at the southwest corner of E. 18<sup>th</sup> Street and S. Pacific Avenue, Yuma, AZ.

	Existing Zoning	Use(s) On-Site	General Plan Designation
<b>Site</b>	General Commercial (B-2)	Vacant	Commercial
<b>North</b>	General Commercial (B-2) & Yuma County: Light Industrial (LI)	Residences	Commercial
<b>South</b>	General Commercial (B-2)	Hotel	Commercial
<b>East</b>	Yuma County: Recreational Vehicle Park (RVP)	Pacific Avenue 300 foot right-of-way	Commercial
<b>West</b>	General Commercial (B-2)	Hotel	Commercial

**Location Map:**



**Prior site actions:** Annexation: #2312 (05-14-1986); Z86-11 (Rezone from AG to B-2 upon annexation); S2003-043 (ARC II Subdivision Prelim. & Final Plat).

<b><u>Staff recommendation:</u></b>	Staff recommends <b>APPROVAL</b> of the request to allow variances to: reduce the required parking spaces by 9.6%; to reduce the required loading spaces by 50%; and to reduce the required setback from fifteen feet to zero feet for the parking and drive aisles along Pacific Avenue, for a new hotel in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A, because it meets the criteria of §154-.03.04 of the Yuma City Code.
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Have there been any other variance requests of a similar nature in the vicinity and zoning district? (If "YES", attach vicinity map showing locations of those variances)	No
---	----

**Staff Analysis:** This variance request, if approved, would:

- Reduce the number of parking spaces from 135 to 122, a loss of 13 spaces.
- Reduce the number of loading/unloading spaces from 2 to 1, a loss of 1 space.
- Reduce the required setback along Pacific Avenue (for parking/drive aisles only) from fifteen feet to zero feet.

The proposed hotel is "Everhome Suites", which the applicant describes as:

"The Owner proposes to develop the site with a 4-story, 122 guestroom hotel, a pool and amenity space and parking for approximately 122 vehicles. The site is currently vacant, undeveloped land.

"There is over 57 feet of existing elevation differential across the property, and it is adjacent to an El Paso Natural Gas easement that restricts the ability to develop the parcel in a uniform manner. There is an exceptionally wide, 200' right-of-way on the West side of Pacific Avenue, adjacent to the property.

#### **Parking:**

"In accordance with City Code, 1.1 standard parking spaces are required per guest room which equates to 135 parking spaces. For the total approximately 60,783 square feet of Building Space being proposed, City Code requires 2-12' by 40' Loading Spaces.

"On behalf of the Owner and Developer, we hereby request approval of a Variance for a 9.6% reduction to the number of required standard parking spaces, providing 122 spaces for this project. This reduction in standard parking spaces is based on a parking ratio of 1.0 spaces per guest room, which is a common industry standard and based on changes to trends in the means of transportation.

"We also request approval of a Variance for a 50.0% reduction to the number of required loading spaces, providing 1 loading space for this project. From an operations perspective, hotels of this size do not require a designated loading and delivery area.

"The deliveries made primarily consist of small sundry items for the hotel market. These deliveries are typically made by small van, no larger than 24 feet in length.

Because the quantities are small, the time required to load and unload the delivery typically requires less than 10 to 15 minutes and the deliveries are generally made during off-peak times.”

**Setback:**

“On behalf of the Owner and Developer, we hereby request approval of a Variance for a complete reduction to the Setback along Pacific Avenue from 15 feet to 0 feet. The width of the existing right-of-way along Pacific Avenue at this location, on the West side of the roadway, is 200 feet [plus an additional 100 feet on the east side]. The required half width right-of-way for this type of roadway is normally about 50 or 62 feet.

“Excess right-of-way exists at this location because ADOT once envisioned that there may be an interchange constructed at the intersection of Pacific Avenue with Interstate 8. It is highly unlikely that this interchange will be constructed.

“The distance between the right-of-way line and the back of the existing sidewalk is approximately 122 feet. Reduction of the Setback at this location should have no negative impact on the ability to make use of the existing right-of-way for any possible, future roadway improvements. This request will not affect visibility along this roadway and would not pose any life safety concerns.”

**1. Does the proposed variance meet the criteria of §154-03.04(D)(1) of the Yuma City Code?**

**A) “There is a special circumstance(s) or condition(s) that applies to the property, building, or use referred to in the application, that does not apply to most other properties in the district.”**

Is this statement correct for this application?

☒ Yes

☐ No

**Applicant Response:**

*“Yes, there is a unique circumstance relating to this property. There is over 57 feet of existing elevation differential across the property, and it is adjacent to an El Paso Natural Gas easement that restricts the ability to develop the parcel in a uniform manner. There is an exceptionally wide, 200’ right-of-way on the West side of Pacific Avenue, adjacent to the property. The unique shape of the property, extreme topography and elevation differential make efficient placement of the building and parking areas less practical and hamper the layout of the project. Due to the severe change in elevation and topography of the subject property, it is difficult to provide large areas for both parking and storm water retention. The site will require the installation of stabilized slopes and retaining walls.”*

**Staff Analysis:**

As noted by the applicant, there are extreme elevation changes from a higher at the west side of the property down to a lower elevation nearing Pacific Avenue, where there is a natural eroded ravine.

The ravine is on the ADOT property adjacent to the property line where the parking setback reduction is requested. The elevation changes also limit the amount of relatively-flat land where normally a parking lot could be located.

**B) “The special circumstance was not created or caused by the property owner or applicant.”**

Is this statement correct for this application?

☒ Yes

☐ No

**Applicant Response:**

*“No, this special circumstance was not created or caused by the property owner or applicant. The natural topography of the site, the extreme difference in elevation between the two ends of the property, and the adjacent, existing underground utilities and easements have existed for decades.”*

**Staff Analysis:**

The subject property has been shaped and constricted over many decades due to the construction of Interstate 8, the natural gas main line, and the resultant storm water flow. This is one of the few remaining parcels left undeveloped, mostly due to the topography, and limited access.

**C) “The granting of the variance is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity, under identical zoning designations.”**

Is this statement correct for this application?

☒ Yes

☐ No

**Applicant Response:**

*“Yes, the granting of this variance is necessary for the preservation of substantial property rights enjoyed by other property owners. Granting this variance request will help overcome the problems associated with the physical property constraints on this particular site.”*

**Staff Analysis:**

Other properties in the vicinity have more level buildable area and fewer limits on access. The requested variances will perhaps allow the development of this parcel in a similar manner as others have achieved.

**D) “The granting of the variance will not be materially detrimental to any person residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public health, safety, and general welfare.”**

Is this statement correct for this application?

☒ Yes

☐ No

**Applicant Response:**

*“No, the granting of the variance will not be detrimental. The granting of this variance request should have zero negative impact to persons, property, the neighborhood, or to the public health, safety and general welfare.”*

**Staff Analysis:**

The development of this property is proposed for a use similar to others in the area. The proposal does not appear to cause any visibility or safety issues for vehicles or pedestrians and will likely cause the subject property to become safer, a positive impact.

**2. Are any of the adjacent property owners opposed to this request? No**

**External Agency Comments:** None Received.

**Neighborhood Meeting Comments:** No Meeting Required.

**Proposed conditions delivered to applicant on:** 03-29-23

**Final staff report delivered to applicant on:** 04-05-23

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 03-29-23
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	(If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.)

**Attachments**

A	B	C	D	E	F	G
Conditions of Approval	Site Plan	Agency Notifications	Site Photos	Neighbor Notification List	Neighbor Postcard	Aerial Photo

**Prepared By:** *Robert M. Blevins* **Date:** 03-28-23

Robert M. Blevins  
Principal Planner

Robert.Blevins@yumaaz.gov (928) 373-5189

**Approved By:** *Alyssa Linville* **Date:** 04-05-23

Alyssa Linville,  
Director of Planning and Neighborhood Services



**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed variance for the site:

**Department of Planning and Neighborhood Services Comments: Alyssa Linville, Assistant Director (928) 373-5000, x 3037:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

**Community Planning: Robert M. Blevins, Principal Planner, (928) 373-5189:**

3. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Variance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for the property. In the event that the conditions are not completed within this time frame, the Variance shall be null and void.
4. In any case where a Variance has not been used within one year after the granting thereof, it shall be null and void.
5. Prior to the expiration date of the Variance, the applicant has the option to file for a one-year time extension.

**Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.**

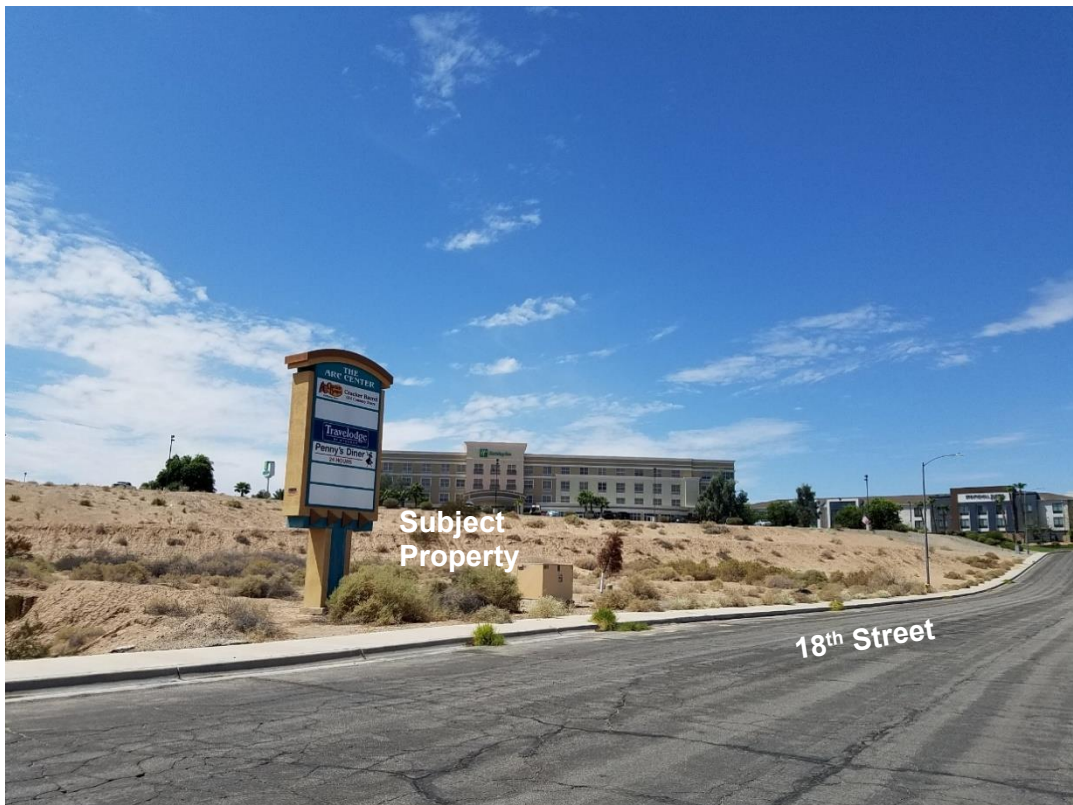
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## ATTACHMENT C AGENCY NOTIFICATIONS

- Legal Ad Published: The Sun 03/24/23
- 300' Vicinity Mailing: 03/15/23
- Site Posted on: 04/06/23
- 34 Commenting/Reviewing Agencies Noticed: 03/15/23
- Hearing Date: 04/13/23
- Comments Due: 03/27/23

<b><i>External List (Comments)</i></b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	03-20-23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	03-20-23	X		
<b><i>City of Yuma Internal List (Conditions)</i></b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	YES	03-21-23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	03-27-23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D  
SITE PHOTOS**



**ATTACHMENT E**  
**NEIGHBOR NOTIFICATION LIST**

OWNER	ADDRESS	CITY	STATE	ZIP
ESTRADA VICENTE & KAREN	1636 S PACIFIC AVE	YUMA	AZ	85364
LODGING PROPERTIES DE LLC	8080 E CENTRAL	WICHITA	KS	67206
	15495 EAGLE NEST LN NO.	MIAMI		
LQ INVESTMENTS PORTFOLIO III LLC	210	LAKES	FL	33014
P R NORMANDALE HOTELS AZ LLC	101 PACIFIC AVE	SASKATOON	SK	S7K 1N8
	420 ELLINGSON ROAD STE			
TRIMARK YUMA HOSPITALITY II LLC	200	PACIFIC	WA	98047
REYES VERONICA	1636 S PACIFIC AVE	YUMA	AZ	85364
DURAZO RICHARD M & CHRISTINE M	1642 S PACIFIC AVE	YUMA	AZ	85365
FORTUNA DE ORO AZ LLC	11262 S AVENUE 14E	YUMA	AZ	85367
FORTUNA DE ORO AZ LLC	11262 S AVENUE 14E	YUMA	AZ	85367

## ATTACHMENT F NEIGHBOR MAILING

This is a request by Dahl, Robins, and Associates, Inc., on behalf of LQ Investments Portfolio Three, LLC, for variances to: reduce the required parking spaces by 9.6%, and to reduce the required loading spaces by 50%; and to reduce the required setback from fifteen feet to zero feet for the parking and drives aisles along Pacific Avenue, for a new hotel in the General Commercial (B-2) District. The vacant property is located at the southwest corner of E. 18<sup>th</sup> Street and S. Pacific Avenue, Yuma, AZ.

**MEETING DATE,  
TIME & LOCATION  
FOR CASE #  
VAR-41142-2023**

**PUBLIC HEARING**  
4/13/2023 @ 9:30AM  
City of Yuma Council Chambers  
One City Plaza, Yuma, AZ



Because you are a neighbor within the southwest corner of E. 18th Street and S. Pacific Avenue , Yuma, AZ., you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928)373-5189 or by email at [Robert.Blevins@YumaAz.gov](mailto:Robert.Blevins@YumaAz.gov)



ATTACHMENT G  
AERIAL PHOTO

